

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE: MAURICE & DEIDRA L BYRD) Chapter 07
)
)
)
)
J.P. Morgan Mortgage Acquisition Corp.	- Creditor) No. 08B15662
)
)
v.) Judge
) Eugene R. Wedoff
MAURICE & DEIDRA L BYRD	- Debtor)
)

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON July 29, 2008 at 09:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Eugene R. Wedoff, U.S. Bankruptcy Judge, 219 S. Dearborn Street, Chicago, Illinois, room 744, and shall then and there present the attached Motion and at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by electronic notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on 7/21/08, with proper postage prepaid.

**THIS DOCUMENT IS AN ATTEMPT
TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE
USED FOR THAT PURPOSE**

PIERCE & ASSOCIATES, P.C.

/s/ Michael J. Halpin
ARDC#6239453

1 North Dearborn
Suite 1300
Chicago, Illinois 60602
312-346-9088

PA08-2871

NOTICE OF MOTION ADDRESSES

To Trustee:

David P. Leibowitz
Law Offices of David P. Leibowitz
420 W. Clayton Street
Waukegan, Illinois 60085-4216

By Electronic Notice through ECF

To Debtor:

MAURICE & DEIDRA L BYRD
6850 South Champlain Avenue
Chicago, IL 60637

By U.S. Mail

2255 Chestnut Ave
Glenview, IL 60026

By U.S. Mail

To Attorney:

Forrest L. Ingram PC
79 West Monroe Street, Suite 1210
Chicago, Illinois 60603

By Electronic Notice through ECF

PIERCE & ASSOCIATES, P.C.
Suite 1300
1 North Dearborn
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(312) 346-9088

PA08-2871

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RE: MAURICE & DEIDRA L BYRD,)	
)	
J.P. Morgan Mortgage Acquisition)	
Corp.,)	
)	
Creditor,)	
vs.)	CASE NO. 08B15662
)	JUDGE Eugene R. Wedoff
MAURICE & DEIDRA L BYRD,)	
)	
Debtor,)	
)	

MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES J.P. Morgan Mortgage Acquisition Corp., by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 6850 South Champlain Avenue, Chicago, IL , be modified, stating as follows:

1. On June 18, 2008, the above captioned Chapter 7 was filed.
2. J.P. Morgan Mortgage Acquisition Corp. holds the first mortgage lien on the property located at 6850 South Champlain Avenue, Chicago, IL.
3. The debt is based on a June 25, 2007, Mortgage and Note in the original sum of \$157,500.00.
4. The funds necessary to pay off J.P. Morgan Mortgage Acquisition Corp. on the above captioned account were approximately \$175,663.65, plus reasonable attorneys' fees and costs, through July 2008. The debtor's schedule lists the fair market value of said property at \$162,000.00.
5. The account is currently due and owing to J.P. Morgan Mortgage Acquisition Corp. for the November 2007 current

mortgage payment and those thereafter, plus reasonable attorneys' fees and costs.

6. The Debtor's mailing address is different from 6850 South Champlain Avenue, Chicago, IL.
7. The debtor has no equity in the property located at 6850 South Champlain Avenue, Chicago, IL, for the benefit of unsecured creditors.
8. J.P. Morgan Mortgage Acquisition Corp. continues to be injured each day it remains bound by the Automatic Stay.
9. J.P. Morgan Mortgage Acquisition Corp. is not adequately protected.
10. The property located at 6850 South Champlain Avenue, Chicago, IL is not necessary for the debtor's reorganization.
11. The Debtor has scheduled an intention to surrender the property.
12. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT PRAYS that the Automatic Stay be modified and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, plus such other relief as this Court deems just.

J.P. Morgan Mortgage Acquisition Corp.

/s/Michael J. Halpin
Michael J. Halpin ARDC#6239453
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